



BOARD OF COUNTY COMMISSIONERS

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TO: Board of County Commissioners
Bentley Henderson
Jeff Huntley
FROM: Millicent Marter
RE: Work Session Meeting of November 23, 2021
DATE: Tuesday, November 23, 2021

Attendees:

Elected Officials: Elisabeth Lawrence, Tamara Pogue and Josh Blanchard – Commissioners

Staff: Jeff Huntley, County Attorney; Keely Ambrose, Assistant County Attorney; Bentley Henderson, Assistant County Manager; Marty Ferris, Finance Director; David Reynolds, Assistant Finance Director; Jim Curnutte, Planning Director; Amy Wineland, Public Health Director; Brian Bovaird, Emergency Operations Director; Nicole Valentine, Director of Communication; Adam Kisiel, Public Affairs Coordinator; Sarah Vaine, Assistant County Manager; April Paige, Executive Administrative Manager; and Millicent Marter, Administrative Assistant.

Guests (in person or via Zoom): Rob Crawford, Peyton Rogers, Austyn Dineen, Bryan Webinger, Corrie Burr, Julie H., Mike Specht, Peter Reeburgh, Russell Power, Shyla Banar, Jennifer Lewis, Nichole Seliga, Clint Rivet, Brian Solganick, Paul Myers, Kirsten Crawford, Katherine Coolidge, Julia Koster, Dylan Mossman, Joelle Miller, Andrew McDowell, Ross Quade, David Agran, Dylan Mossman, Jennifer Heath, Samantha Nuechterlien, Sarah Thorsteinson, Scott Reid, Scott Stevens, and others who did not sign in.

I. Discussion of Proposed 2022 Budget

Marty Ferris gave an update on the following topics including but not limited to:

Nothing from staff.

II. Planning Setback Code Discussion

Bentley Henderson and Jim Curnutte gave an update on the following topics including but not limited to:

The constructs of Setbacks and the limits to its restriction in regards to water courses and wetland areas and property lines. It was noted that Summit County's Setbacks are fairly generous as opposed to how the rest of the country applies them. Measurements of rear and front setbacks were proposed to Commissioners. Keely Ambrose also chimed in about Draft Wetland Regulations that she has been working on with the Planning Department. They are almost done and can be presented in a future Work Session meeting. There was also a discussion on Setback trends both in and around Summit County. Bentley Henderson proposed meeting for another Work Session if Commissioners needed

any specific aspects that require further detail – Commissioners agreed that there is currently nothing needed at this point.

III. STR Ordinance Code Review

Bentley Henderson, Jim Curnutte, Jessica Potter, and Brandi Timm gave an update on the following topics including but not limited to:

Recap from Last Week:

From CWPC:

- Stay with 5 years for compliance
- Stay with LPV in resort zone
- Add ADU as minimum standard for Type III on SF

Data:

- More data on Peak 7
- More data on Wildernest/Type III MF parameters

Review data requests and overall framework

Peak 7: Sales Data – Ranging from \$700K - \$3M

Peak 7 compared to Peak 8 – Ranging from \$2M - \$6M

Peak 7: Trends in Neighborhoods – Commissioners discussed if Peak 7 is or is not within the Resort Neighborhood Zone. They agreed that they'd like to get more data on this and come back to it next year for review.

Snapshot of Home Values and Ownership Trends

- Peak 7 local ownership decreased 11% from 2016 to 2021 despite a 4% increase in new units; regardless, Peak 7 still tracks as a Neighborhood Zone in data
- Dillon Valley is experiencing rapid shifts

Peak 7: Complaints

- 3% (115) of all STR's are in Peak 7 neighborhood
- 12% of all substantiated complaints (126)
- Majority are related to trash, noise, and parking issues
- 46% (58 properties) of all complaints are unique properties and not repeat calls

Peak 7: Additional Data

- Using a sample of 22 STRs, accounting for variations in rental activity, homes are rented an average of 110 – 130 nights per year

Wildernest: Complaints

- 12% of STR's (545) are in the Wildernest neighborhood
- 27% of all substantiated complaints
- Majority are related to noise
- 46% (126 properties) of complaints are unique properties and not repeats

Wildernest: Additional Data

- Large range of nights rented, average based on sample shows average rental activity between 90-110 nights per year
- CWPC discussion: Wildernest is a place where locals have historically rented and bought their first home

Type 3: Multi-Family

- Units Affected in Wildercrest and a recap of conversation with HOA management company at Buffalo Ridge
- Commissioners expressed concern about possible bus stop changes in the future and how that affects determining this type of permit

Proposed Framework

Creation of two Countywide Overlay Zones to Apply to Entire County – Keely Ambrose provided further clarification between the two zones. Commissioners requested to create a more clear distinction between the zones before the afternoon’s Regular Meeting.

- Resort Zone
- Neighborhood Zone

Development of Four License Types

- Resort License (Resort Zone)
- Type I License (Neighborhood Zone)
- Type II License (Neighborhood Zone)
- Type III License (Neighborhood Zone)

Occupancy Limits in Neighborhood Zone:

- Current Regulations allow for the greater of:
 - 2 people per bedroom + 4; or 1 person per 200 square feet (a max occupancy of 19 is permitted unless a greater number allowed by a CUP)
 - Allows 6 in a studio; 8 in a 1 bed + loft; 19 in a 3,800 square foot home
 - New Proposal: 2 guests per bedroom + 2; removal of 200 square foot per person

Fees:

- Reevaluation of fees to ensure that the program is self-sufficient from a fiscal standpoint

Type I License

- Must be someone’s primary residence
 - To be verified at application through:
 - Mailing Address in Summit + CO ID or Driver’s License in Summit
 - 2 of the following: voter registration, tax documents, motor vehicle registration
- Unlimited annual nightly rentals where the homeowner is present during those rental periods and the rental is of a bedroom
- A maximum of 60 nights per year when rented as an entire unit
- Occupancy: 2 guests per bedroom + 2

Type II License

- Targeted to second-homeowners, but someone may apply for this license type if it is their primary residence
- A maximum of 120 nights per year – Commissioners discussed amending the number of nights per year
- Occupancy: 2 guest per bedroom + 2

Type III License

- Only allowed with a CUP
- No annual limit on nights rented
- Single-Family
 - 100’ between residential improvements, OR

- CO'd ADU in compliance
 - Note: Would still require CUP review per below, so the ADU is no guarantee, but is a release valve if the physical conditions on the property do not allow 100' between improvements
- Class 2 CUP if lot is in excess of 40,000 square feet
- Class 4 CUP if lot is less than 40,000 square feet
- Occupancy: may request excess of 2 per bed + 2 if lot is in excess of 40,000 sq. ft. – will increase to Class 4 review

Type III: Multi-Family

Proposal for Multi-Family, to ID "Resort-style Buildings"

- Minimum of 100 units in the HOA
- Direct, private shuttle to ski areas or within 100' feet of transit
- Significant on-site Recreational Amenities, 3 of: pool, hot tub, sauna, tennis/pickle ball courts, racket ball, gym, game room, other as approved by the Review Authority
 - Amenities verified by HOA & HOA provides letter that intensive STR use "is" or "is not" harmonious and compatible with surroundings
 - Will need alternative if HOA is unwilling to provide
 - Review: Class 4 but can be reduced to a Class 2 if the suggested letter from the HOA is provided
- Occupancy: 2 per bed + 2, no ability to deviate with CUP

Compliance

- New Licenses: Once new regs are adopted, all new STR Licenses will conform to the new regulations including occupancy and night limits
- Resort Zone: At renewal 2026, all existing STRs (3,000) will convert to a resort license
- Neighborhood Zone: (1,500) At renewal 2026, all existing STRs in the Neighborhood Zone will need to convert to a Type I, II, or III License
- Note: STR licenses do not transfer when a property sells

Jeffrey Huntley shared suggestions and legal edits to the Ordinance.

IV. Managers' & Commissioners' Issues

Senior Management and Commissioners discussed several topics including but not limited to:

Marty

- Requested to departments to bring any Budget related items to her asap since she is finalizing the 2022 Budget soon

Tamara

- During Holiday and school breaks – Tamara will need Zoom info for meetings

Jeff Huntley requested an Executive Session to discuss legal procedural issues and potential litigation involving real property that may be subject to negotiations.

A motion was made by Commissioner Pogue and seconded by Commissioner Blanchard to go into Executive Session to discuss legal procedural issues and potential litigation involving real property that

may be subject to negotiations. The BOCC voted 3 to 0 to go into Executive Session per CRS 24-6-402 (4) (a)(b)(e).The motion was approved.

V. Joint BOH/BOCC Work Session

Amy Wineland gave an update on Summit County's latest case numbers, summary epi trends, vaccine updates, hospitalizations, etc.

For additional details, please see the BOH/BOCC Joint Meeting Minutes in the Agenda Center under County Commissioners Agendas: <https://www.summitcountyco.gov/agendacenter>.

For Summit County's Public Health Orders and latest information, please visit www.summitcountyco.gov. Click on Get COVID-19 Info and Updates.

Jeff Huntley requested an Executive Session to discuss legal and Confidential Health Matters.

A motion was made by Commissioner Pogue and seconded by Commissioner Blanchard to go into Executive Session to discuss legal and Confidential Health Matters. The BOCC voted 3 to 0 to go into Executive Session per CRS 24-6-402 (4) (a)(b)(c)(e).The motion was approved..

Staff will return to the Work Session on Tuesday, December 7, 2021. Commissioners thanked the team for their work.

Meeting Adjourned.

Respectfully submitted:

Approved by:


Millicent Marter, Deputy Clerk




Elisabeth Lawrence, Chair